

# Monitoring Identified Noncompliance

## FREQUENCY CHART

### 2009-10

Number of School Districts Monitored: 80  
 Number of School Districts in Montana: 426  
 Percentage monitored during 2009-10: 18.8%  
 Number of Schools Monitored: 73  
 Total Number of Schools in Montana: 842  
 Percentage monitored during 2009-10: 8.6%  
 Child count of students in the 2009-10 monitoring pool: 4,785  
 Child count total: 17,486  
 Percentage of the child count monitored during 2009-10: 27.4%

**TIMELINES: Number of files reviewed - 709**

**NA A. 8/1/2007 and later only: Initial evaluations were completed within 60 days of date parental consent was received.**

**Total – 8 Percentage – 1.1% identified noncompliant**

**NA B. 8/1/2007 and later only: Initial IEP was conducted within 30 days of the initial ER.**

**Total – 11 Percentage – 1.6% identified noncompliant**

**60 C. The student is reevaluated every three years OR the parents and the school district agreed that a reevaluation was unnecessary.**

*Correction: Reevaluate through ER or us IEP process for team to document unnecessary.*

**Total – 13 Percentage – 1.8% identified noncompliant**

**NA D. IEP was in effect at beginning of school year**

**Total – 3 Percentage – 0.4% identified noncompliant**

**30 E. IEP is reviewed every twelve months  
If "No" was checked above, does the student have a current IEP?**

*If IEP is not current, CORRECTION: Conduct annual IEP meeting (not IEP Amendment.)*

**Total – 79 Percentage – 11.1 identified noncompliant**

**Special education record includes: Number of files reviewed - 709**

**60 A. Access log**

*Correction: Letter of Assurance that Access Log has been placed in student record.*

**Total – 3 Percentage – 0.4% identified noncompliant**

**30 B. Information about this student only**

*Correction: Letter of Assurance that other student information has been removed.*

**Total – 2 Percentage – 0.2% identified noncompliant**

**60 C. Referral (8/1/2007 and later only)**

*Correction: Reconstruct Referral*

**Total – 12 Percentage – 1.7% identified noncompliant**

**NA D. Evaluation Plan (8/1/2007 and later only)**

**Total – 10 Percentage – 1.4% identified noncompliant**

**NA E. Evaluation Data (summaries of assessments, test protocols, et. al.)**

*Correction: Letter of Assurance that data has been placed in record.*

**Total – 13 Percentage – 1.8% identified noncompliant**

**30 F. Current Evaluation Report report**

*Correction: Conduct ER meeting or document that reevaluation is not necessary.*

**Total – 2 Percentage – 0.3% identified noncompliant**

**30 G. Current IEP**

*Correction: Conduct annual IEP meeting (not IEP Amendment.)*

**Total – 2 Percentage – 0.3% identified noncompliant**

**60 H. Progress Reports sent to parents**

*Correction: Send progress reports for most recent reporting period.*

**Total – 12 Percentage – 1.7% identified noncompliant**

**REFERRAL includes: Number of files reviewed - 260**

**60 A. Regular education interventions tried**

*Correction: Reconstruct*

**Total – 29 Percentage – 11.2% identified noncompliant**

**60 B. Specific reasons for the referral**

*Correction: Reconstruct*

**Total – 3 Percentage – 1.2% identified noncompliant**

**NA C. Signature of person making referral**

**Total – 4 Percentage – 1.5% identified noncompliant**

**EVALUATION PLAN includes: Number of files reviewed - 459**

**NA A. Why the student is being evaluated**

*Correction: NA*

**Total – 9 Percentage – 2.0% identified noncompliant**

**30/60 B. A parent signature for permission\***

**\* \_\_ \_\_ If written permission was not obtained for reevaluation, record has documentation of attempts to obtain**

*Correction: Obtain permission/Provide documentation*

**Percentage – 0% identified noncompliant**

**30 C. The Evaluation Plan was provided in the parents' native language**  
*Correction: Letter of Assurance that parent has been informed of rights in native language.*  
**Percentage – 0% identified noncompliant**

**ER REPORT includes: Number of files reviewed - 469**

**NA A. Parent comments**  
*Correction: NA*

**Total – 6 Percentage – 1.3% identified noncompliant**

**30 B. Current classroom-based assessments (CBA)**  
*Correction: Conduct ER meeting with all required components.*

**Total – 23 Percentage – 4.9% identified noncompliant**

**30 C. CBA includes the student's involvement and progress in the general curriculum**  
*Correction: Conduct ER meeting with all required components.*

**Total – 25 Percentage – 5.3% identified noncompliant**

**30 D. Observations by teachers and/or related services providers**  
*Correction: Conduct ER meeting with all required components.*

**Total – 18 Percentage – 3.8% identified noncompliant**

**30 E. All assessments marked on Evaluation Plan were conducted**  
*Correction: Complete assessment, reconvene ER or IEP meeting.*

**Total – 36 Percentage – 8.1% identified noncompliant**

**NA F. Only assessments marked on the Evaluation Plan were conducted**

**Total – 22 Percentage – 4.7% identified noncompliant**

**30 G. Implications for educational planning for all assessment areas**  
*Correction: Conduct ER meeting with all required components.*

**Total – 36 Percentage – 8.1% identified noncompliant**

**30 H. (Initial ER) - Disability criteria**  
*Correction: Conduct ER meeting with all required components.*

**Total – 13 Percentage – 2.8% identified noncompliant**

**30 I. Need for special education and related services**  
*Correction: Conduct ER meeting with all required components.*

**Total – 29 Percentage – 6.2% identified noncompliant**

**60 J. Disability category(ies): \_\_\_\_\_**  
*Correction: Conduct ER meeting with all required components.*

**Total – 5 Percentage – 1.1% identified noncompliant**

**30 K. (Initial ER) - The results of assessments in all areas related to the suspected disability**  
*Correction: Conduct ER meeting with all required components.*

**Total – 3 Percentage – 0.6% identified noncompliant**

Evaluation Report includes: Number of files reviewed - 469

Parent(s)

30 If parent did not attend, records of attempts to arrange a mutually agreed on time/place  
*Correction: Conduct ER meeting with all required members or document new attempts to have parent attend.*

Total – 2 Percentage – 0.4% identified noncompliant

30 Administrator

*Correction: Conduct ER meeting with all required members.*

Total – 6 Percentage – 0.9% identified noncompliant

30 Regular education teacher

*Correction: Conduct ER meeting with all required members.*

Total – 8 Percentage – 1.7% identified noncompliant

30 Special education teacher or Speech and language pathologist

*Correction: Conduct ER meeting with all required members*

30 Teacher or specialist with knowledge in the area of suspected disability

*Correction: Conduct ER meeting with all required members*

Total – 7 Percentage – 1.5% identified noncompliant

IEP includes: Number of files reviewed - 691

60 A. Concerns of the parents

*Correction: IEP Amendment or new IEP meeting.*

Total – 7 Percentage – 1.0% identified noncompliant

Consideration of:

*Correction: IEP Amendment or new IEP meeting.*

60 B. Whether student behavior impedes learning (Checked “Yes”: \_\_)

Total – 1 Percentage – 0.1% identified noncompliant

60 C. Communication needs (Checked “Yes”: \_\_)

Percentage – 0% identified noncompliant

60 D. Assistive technology devices/services (Checked “Yes”: \_\_)

Total – 1 Percentage – 0.1% identified noncompliant

60 E. Limited English Proficiency (Checked “Yes”: \_\_)

Total – 1 Percentage – 0.1% identified noncompliant

30 F. If any item in C-F is checked “Yes,” the need is addressed in the IEP

*Correction: IEP Amendment or new IEP meeting.*

Total – 3 Percentage – 0.4% identified noncompliant

30 For student who is blind or visually impaired, consideration of:  
Orientation and mobility = Yes \_\_\_ or No \_\_\_ (If Yes, training must be in IEP)  
Instruction in Braille = Yes \_\_\_ or No \_\_\_ (If No, minutes must say “Why not”)  
*Correction: IEP Amendment or new IEP meeting.*

Total – 2 Percentage – 0.3% identified noncompliant

**G. Present level of academic achievement and functional performance (PLAAFP)**

30 PLAAFP is present (if no, proceed to next item)  
*Correction: IEP Amendment or new IEP meeting.*  
Percentage – 0% identified noncompliant

60 Describes academic performance (knowledge: qualitative and quantitative)  
60 Describes functional performance (ability to apply knowledge)  
60 Describes how the disability affects involvement and progress in the regular curriculum or for preschool students, involvement in appropriate activities  
*Correction: IEP Amendment or new IEP meeting.*

Total – 118 Percentage – 17.1% identified noncompliant

**H. Measurable annual goals (MAG)**

30 MAG is present (if no, proceed to next item)  
*Correction: IEP Amendment or new IEP meeting.*  
Percentage – 0% identified noncompliant

60 Is aligned with PLAAFP (meets needs identified in PLAAFP)  
60 Describes expected level of performance  
60 Includes how performance will be measured  
60 MAG addresses enabling the child to be involved in and make progress in the regular curriculum or, for preschool children, to participate in appropriate activities  
*Correction: IEP Amendment or new IEP meeting.*

Total – 41 Percentage – 5.9% identified noncompliant

**I. COMPLETE THIS ITEM ONLY for children who take the CRT-ALT:  
Short-term Objectives or Benchmarks which are measurable (STOB)**

30 STOB is present (if no, proceed to next item)  
*Correction: IEP Amendment or new IEP meeting.*

Total – 15 Percentage – 2.2% identified noncompliant

60 Is aligned with PLAAFP (meets needs identified in PLAAFP)  
60 Describes expected level of performance  
60 Includes how performance will be measured  
*Correction: IEP Amendment or new IEP meeting.*  
Percentage – 0% identified noncompliant

**30 J. If student does not participate in Physical Education, specially designed physical education is included in the IEP: Yes ☐ No ☐**

***Correction: IEP Amendment or new IEP meeting.***

**Percentage – 0% identified noncompliant**

**60 K. How often progress reports will be sent to parents**

***Correction: IEP Amendment or new IEP meeting.***

**Total – 11 Percentage – 1.5% identified noncompliant**

**30 L. IEP considers the results of the most recent ER**

***Correction: IEP Amendment or new IEP meeting.***

**Total – 8 Percentage – 1.2% identified noncompliant**

**30 M. IEP team addressed any lack of progress in the general curriculum**

***Correction: IEP Amendment or new IEP meeting.***

**Total – 10 Percentage – 1.4% identified noncompliant**

**30 N. The frequency, location, and date of initiation of special education and related services**

***Correction: IEP Amendment or new IEP meeting.***

**Total – 15 Percentage – 2.2% identified noncompliant**

**30 O. The child's placement:**

***Correction: IEP Amendment or new IEP meeting.***

**a. is based on the child's IEP**

**Total – 6 Percentage – 0.9% identified noncompliant**

**b. is as close as possible to the child's home**

**Total – 7 Percentage – 1.0% identified noncompliant**

**c. is in the school that he/she would attend if nondisabled**

**Total – 9 Percentage – 1.3% identified noncompliant**

**d. In selecting the LRE, consideration is given to any potential**

**harmful effect on the child or on the quality of services that he or she needs**

**Total – 6 Percentage – 0.9% identified noncompliant**

**30 P. Supplementary Aids and Services for the student, including modifications or supports for school personnel.**

***Correction: IEP Amendment or new IEP meeting.***

**Total – 4 Percentage – 0.6% identified noncompliant**

**30 Q. Participation in State/Districtwide Assessments**

***Correction: IEP Amendment or new IEP meeting.***

**Total – 61 Percentage – 8.8% identified noncompliant**

**30 R. Extended School Year services were considered**

***Correction: IEP Amendment or new IEP meeting.***

**Total – 4 Percentage – 0.6% identified noncompliant**

**60 S. IEP Accessibility and Responsibilities**  
*Correction: IEP Amendment or new IEP meeting.*  
**Total – 13 Percentage – 1.9% identified noncompliant**

**IEP Team includes: Number of files reviewed - 691**  
**Parent(s)**

**30 If parent did not attend, records of attempts to arrange mutually agreed on time/place**  
*Correction: Conduct IEP meeting with all required members or document new attempts to have parent attend.*  
**Total – 1 Percentage – 0.1% identified noncompliant**

**30 Written consent for initial and annual placement was obtained prior to placement**  
*Correction: IEP Amendment or new IEP meeting.*  
**Total – 7 Percentage – 1.0% identified noncompliant**

**30 Administrator**  
*Correction: Conduct IEP meeting with all required members.*  
**Total – 5 Percentage – 0.7% identified noncompliant**

**30 Regular education teacher**  
*Correction: Conduct IEP meeting with all required members.*  
**Total – 12 Percentage – 1.7% identified noncompliant**

**30 Special education teacher or speech and language pathologist**  
*Correction: Conduct IEP meeting with all required members.*  
**Total – 3 Percentage – 0.4% identified noncompliant**

**30 Teacher or specialist with knowledge in the area of suspected disability**  
*Correction: Conduct IEP meeting with all required members.*  
**Percentage – 0% identified noncompliant**

**30 Representative of other agency (transition IEP)**  
*Correction: Conduct IEP meeting with all required members*  
**Percentage – 0% identified noncompliant**

**30 IEP Team Member Excusal:**  
*Correction: Conduct ER meeting with all required members.*  
**Total – 6 Percentage – 0.9% identified noncompliant**

**TRANSITION IEP includes: Number of files reviewed - 137**

**30 A. The student's desired post-school activities were considered**  
*Correction: IEP Amendment or new IEP meeting*  
**Total – 10 Percentage – 7.3% identified noncompliant**

30 B. Age appropriate transition assessment was conducted for training, education, employment, and, if appropriate, independent living skills.

Assessment was conducted but did not include training, education, employment, or independent living skills. (circle missing items)

*Correction: IEP Amendment or new IEP meeting*

Total – 43 Percentage – 31.4% identified noncompliant

30 C. Measurable post-secondary goals related to education or training, employment and, if appropriate, independent living skills.

*Correction: IEP Amendment or new IEP meeting*

Total – 25 Percentage – 18.2% identified noncompliant

30 D. The IEP includes the Courses of Study for at least the duration of the IEP.

*Correction: IEP Amendment or new IEP meeting*

Total – 11 Percentage – 8.0% identified noncompliant

30 E. Needed transition services

*Correction: IEP Amendment or new IEP meeting*

Total – 13 Percentage – 9.5% identified noncompliant

30 F. The district invited (with parent permission) any other agency that is likely to be responsible for providing or paying for transition services

*Correction: New IEP meeting*

Total – 2 Percentage – 1.5% identified noncompliant

30 G. If the agency failed to provide the transition services described in the IEP, the district reconvened the IEP team to identify alternative strategies.

*Correction: IEP Amendment or new IEP meeting*

Total – 1 Percentage – 0.7% identified noncompliant

30 H. The student's measurable annual goals and transition services will reasonably enable the student to meet the identified post-secondary goals.

If no, explain why: \_\_\_\_\_

*Correction: IEP Amendment or new IEP meeting*

Total – 19 Percentage – 13.9% identified noncompliant

If student is age 17: Number of files reviewed - 43

60 A. Student was informed of rights that will transfer at age of majority

Total – 1 Percentage – 2.3% identified noncompliant

60 B. Parents were informed of rights that will transfer at age of majority

*Correction: IEP Amendment or new IEP meeting*

Total – 5 Percentage – 11.6% identified noncompliant

**IEP Amendment: Number of files reviewed - 45**

**60 A. Indicates the date of the IEP being amended**  
*Correction: IEP Amendment or new IEP meeting.*

**Total – 2 Percentage – 4.4% identified noncompliant**

**30 B. Indicates what areas of the IEP are being amended**  
*Correction: IEP Amendment or new IEP meeting.*  
**Percentage – 0% identified noncompliant**

**30 C. Copies of changes to IEP are attached**  
*Correction: Letter to parent including copies of changes.*  
**NOTE: Review only most recent IEP Amendment**

**Total – 3 Percentage – 6.7% identified noncompliant**

**30 Amendment approved by:**  
**Parent(s)**  
**District**  
*Correction: Get signatures.*

**Total – 6 Percentage – 13.3% identified noncompliant**

**TRANSFER STUDENTS: Number of files reviewed - 128**

**30 A. In-state transfer**

**The district implemented the student's IEP**

**Date of documentation: \_\_\_\_\_**

*Correction: IEP Amendment or new IEP meeting*

**Total – 4 Percentage – 3.1% identified noncompliant**

**30 B. Out-of-state transfer—the district:**

**i. determined that student is eligible in Montana**

**Date of Determination: \_\_\_\_\_**

**ii. implemented the student's IEP**

**Date of documentation: \_\_\_\_\_**

*Correction: IEP Amendment or new IEP meeting*

**Total – 1 Percentage – 0.8% identified noncompliant**

**EXITED STUDENTS: Number of files reviewed – 45**

**Students exited by Evaluation Report – 3 Percentage – 6.7% identified noncompliant**

**ER documented that the student no longer disabled or met goals – 2 Percentage – 4.4% identified noncompliant**

**REVOCATION OF CONSENT: Number of files reviewed – 6 Percentage – 0% identified noncompliant**

**HS GRADUATES: Number of files reviewed – 21**

**Summary of Performance – 4 Percentage – 19.0% identified noncompliant**

**Graduation form – 1 Percentage – 4.8% identified noncompliant**

**PRIVATE SCHOOLS: Number of files reviewed – 2 Percentage – 0% identified noncompliant**

**STUDENTS FOUND NOT ELIGIBLE: Number of files reviewed – 19**

**Evaluation completed within 60 days – 1 Percentage – 5.3% identified noncompliant**

**MANIFESTATION HEARING: Number of files reviewed – 3 Percentage – 0% identified noncompliant**

**ADVERSIVE TREATMENT: Number of files reviewed – 3 Percentage – 0% identified noncompliant**

**SURROGATE PARENTS: Number of files reviewed – 2 Percentage – 0% identified noncompliant**